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C O N F I D E N T I A L SECTION 01 OF 04 COLOMBO 000377

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TAGS: [PTER](#) [PGOV](#) [PHUM](#) [CE](#)

SUBJECT: SRI LANKA: GSL MINISTERS DOWNPLAY COMPLEXITIES IN
KEEPING GENEVA COMMITMENTS

REF: A. COLOMBO 351

[B](#). COLOMBO 340

[C](#). COLOMBO 308

Classified By: AMB. JEFFREY J. LUNSTEAD. REASON: 1.4 (B,D).

SUMMARY

[1](#)1. (C) In a March 7 meeting with Health Minister and chief Government of Sri Lanka (GSL) negotiator Nimal Siripala de Silva and a March 8 meeting with Foreign Minister Mangala Samaraweera, the Ambassador stressed that the GSL must be proactive in upholding its commitments under the joint statement signed with the Liberation Tigers of Tamil Eelam (LTTE) in Geneva on February 23 (Ref C). Incidents like the March 4 attack on an LTTE checkpoint (Ref A), even if they occur in LTTE-controlled territory, could dim prospects for a successful outcome to the next round of talks, he cautioned. Both Ministers told the Ambassador that the hardline Janatha Vimukthi Peramuna (JVP) and Jathika Hela Urumaya (JHU) largely support GSL efforts to continue talks with the Tigers and dismissed posturing about the legality of the Ceasefire Agreement (CFA) as political theatre. Neither interlocutor offered much information on new initiatives the GSL might offer in the next round, suggesting that the GSL has not developed a strategy to move beyond talks focused solely on the ceasefire. Samaraweera will be in Europe for the next few days to brief officials there on the status of the talks.
End summary.

GENEVA: BETTER THAN EXPECTED

[1](#)2. (C) Ambassador met with Health Minister and chief Government of Sri Lanka (GSL) negotiator Nimal Siripala de Silva and Foreign Minister Mangala Samaraweera on March 7 and March 8 respectively to discuss the February 22-23 talks between the GSL and the Liberation Tigers of Tamil Eelam (LTTE) in Geneva. The Ambassador opened his March 7 meeting

with Minister de Silva by congratulating the GSL team on the successful outcome of the talks. "We're on the right track," de Silva responded; "violence is down." In the March 8 meeting, Samaraweera said the talks were "much better than we hoped for but it is too soon to be joyous." He opined that both the GSL and the LTTE had "left the table with something" and that such a win-win outcome augurs well for the next round in April.

13. (C) De Silva believes that the GSL's extensive pre-Geneva preparations played an important part. The GSL team had come equipped with so much documentation to refute LTTE attempts to deny culpability for attacks on the military and child recruitment that at the end of the first day chief LTTE negotiator Anton Balasingham looked "frustrated," de Silva said. The GSL team hit the LTTE hard on the first day, accusing it of the assassination of the late Foreign Minister Lakshman Kadirgamar, de Silva reported. When the LTTE complained that its cadres were not able to carry out political work in GSL-controlled areas, the government countered by asserting that not only were the Tigers preventing the anti-LTTE Eelam People's Democratic Party (EPDP) from carrying out political work, they had also killed more than 100 EPDP cadres after the GSL kept its Ceasefire Agreement (CFA) commitment to disarm the former paramilitary group.

14. (C) "It looks like (the LTTE) is very scared of Karuna," de Silva reflected, adding that Balasingham had alleged that ENDLF, an anti-LTTE paramilitary that has been in southern India since 1987, was helping the Karuna faction with Indian assistance. At one point Balasingham and Sri Lanka Monitoring Mission (SLMM) head Hargur Hauckland engaged in a

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heated 15-minute argument about LTTE involvement in child recruitment, according to de Silva, with the LTTE side asserting the SLMM had never reported these claims and Hauckland averring that it had, while the GSL team looked on silently. (Note: In a separate conversation March 7, GSL delegation member Nivard Cabraal told econoff that Balasingham, who did all of the talking the rest of the time, and his wife did not say much when the topic of child recruitment arose, leaving that part of the discussion to LTTE ideologue Thamilselvan. Cabraal said he believed that Balasingham's uncharacteristic silence suggested that he was not on the same page with the rest of the LTTE on this sensitive subject.) De Silva noted that whenever "a difficult question" arose during the course of the talks, Balasingham always got out of making a substantive response by claiming that he had to refer the matter to LTTE supremo Prabhakaran.

BOUQUETS AND BRICKBATS FOR NORWAY

15. (C) Agreeing that the talks exceeded GSL expectations, De Silva credited the Norwegian facilitators with playing a key role. "Every compromise we got, we got through Norway," he commented. He agreed with the Ambassador's observation that Norway's influence with the LTTE makes it an especially effective facilitator. Samaraweera was somewhat less laudatory, complaining that the LTTE delegation had been received by the Norwegian Foreign Minister when they visited Oslo after the Geneva talks. (Note: The delegation returned to Sri Lanka on March 7.) "They shouldn't get that kind of high-level attention," Samaraweera groused. "They love it." Nonetheless, Samaraweera seemed to take the Ambassador's point that if the Norwegians were to pursue their facilitative role correctly, they would have to interact at all levels on both sides.

JUST BECAUSE IT'S UNCONSTITUTIONAL
DOESN'T MEAN WE DON'T WANT IT

16. (C) Recalling de Silva's opening statement at the talks in which he described the CFA as unconstitutional (Ref C), the Ambassador asked whether the GSL had a problem with matters of substance in the agreement or with the entire concept of signing an accord with the LTTE. The Ambassador observed that the international community, including the U.S., views the CFA as a crucial element of the peace process. De Silva initially explained the GSL position as based on the fact that then-President Kumaratunga had not signed the CFA, making the agreement of questionable legality. While the GSL does not accept that there is a de jure ceasefire agreement, it does accept that there is a de facto agreement, he clarified, and has no specific problem with the substance of the CFA. He went on subsequently to acknowledge that this hyper-legalistic approach is no more than "political maneuvering" that the GSL had to perform to keep the Sinhalese nationalist Janatha Vimukthi Peramuna (JVP) on board. Now that the GSL has "laid down its position," however, GSL charges that the CFA is unconstitutional "will go away." Similarly, comments attributed to a GSL team member claiming that the joint statement signed in Geneva constituted an amendment to the CFA (Ref C)--which generated a firestorm of protest from the LTTE--were taken out of context in the local press, de Silva indicated, and do not represent the formal GSL position. Samaraweera characterized the post-Geneva squabble over whether the joint statement constituted an amendment as a "false issue." The important point, he emphasized, was that the two sides had met and found ways to strengthen the CFA.

ALL-PARTY CONFERENCE:

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TRANSPARENT BUT NOT SEE-THROUGH

17. (C) De Silva confirmed that President Rajapaksa held talks on March 6 to brief other parliamentary parties on the Geneva talks. (Note: Even though the discussion was dubbed an "all-party" conference in the local press, the pro-LTTE Tamil National Alliance did not participate. The President plans to meet the TNA separately.) The JVP in particular was "very good" in the discussion, de Silva reported, voicing only minor objection to the joint statement. (Comment: The local press and the JVP itself report more substantive differences. The JVP reaction to Geneva follows septel.) The JVP praised the GSL for being "more transparent" about its discussions than any previous government, de Silva said. The right-wing Jathika Hela Urumaya (JHU) was more lukewarm, expressing concern that the GSL had committed to disarm Karuna but ultimately reaffirming its confidence in the President's negotiating team. De Silva added that he had met separately with representatives of both hard-line parties before leaving for Geneva and tried to explain that expecting the GSL to push "one-sided demands" in a negotiation would be unrealistic. Samaraweera said the JVP and JHU, despite complaining, were fully on board with moving toward the second round of talks, which the Foreign Minister described as "critical" in terms of "managing Southern perceptions."

18. (C) The JVP was not alone in its praise for the GSL's transparent approach; according to de Silva, all the parties said they had never been kept so well informed by the government in previous negotiations. While the GSL will keep up the effort to consult with other parties as a way to build trust, it will not disclose all of its strategy or negotiating positions, however. "Transparency is good, but not too much," de Silva concluded.

THE ROAD AHEAD

¶9. (C) Between now and the second round of talks on April 19, it will be important to maintain the relative lull in violence since the first round of talks were announced on January 25, de Silva indicated. The Norwegian Ambassador had telephoned him to express concern about the fatal attack on an LTTE checkpoint in Batticaloa on March 4 (Ref A), de Silva reported, hastily adding that the Sri Lanka Army had categorically denied any involvement in the incident. "The process is (thus) going well" so far, he averred. Samaraweera said that GSL next steps in keeping the peace are "critically important" and noted that the Defense Ministry had been told to be "extremely vigilant." He underlined that the March 4 killings had occurred in LTTE-controlled territory. The Ambassador observed to both interlocutors that it was not sufficient for the Army merely to say it was not involved; the GSL and its security forces must also be proactive in averting the potential for violence. Otherwise, the LTTE will try to take advantage of any suggestion of GSL complicity or acquiescence in these attacks, the Ambassador cautioned. Both ministers agreed with the Ambassador's points.

¶10. (C) De Silva expects the composition of the GSL delegation to remain the same. During the next round the LTTE will likely raise the High Security Zones (HSZs), while the GSL wants to raise human rights, elections and democracy, he noted. When asked if the GSL were prepared to relax some of the restrictions on the HSZs, de Silva replied "that depends on (LTTE) behavior," expressing concern that the LTTE, equipped with "long-range guns," might use any concession to attack the military. The GSL might be prepared, however, to relax some restrictions on fishing, he suggested--contingent, once again, on LTTE behavior between now and April 19. The Ambassador commented that the LTTE,

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like the GSL, needs to show its constituency some results on the ground. By offering some confidence-building measures that help the LTTE do that, the GSL can strengthen the stake the LTTE has in successful negotiations, making it harder for the Tigers to walk out. Samaraweera claimed the GSL had informal assurances from the LTTE that it will not "sabotage" the next round, in which the GSL hopes to "move on to substance."

HOW CAN WE HELP?

¶11. (C) The Ambassador noted in both meetings that the U.S. wants to be helpful in the coming key months, as do all co-chair countries. That said, it seems now that the best thing for international friends to do is to sit back a bit and see how things unfold on the ground. Samaraweera agreed and reiterated his view that U.S. public statements, particularly by U/S Burns during his visit to Sri Lanka, had been critical in getting the Tigers to the table. "They care what the world thinks," he asserted. Samaraweera told the Ambassador that he will leave for Europe on March 9 and will see UK Foreign Secretary Straw on March 13. He will also meet the French Foreign Minister in Paris and EU Commissioner for External Affairs Ferraro-Waldner in Brussels. "The time is right to keep the Europeans informed and on our side," Samaraweera smiled.

COMMENT

¶12. (C) Despite Samaraweera's caution that it's too soon for the GSL to break out the champagne, both ministers--especially de Silva--were visibly pleased that the talks went as well as they did. So far, hard-line opposition to talks with the Tigers has been kept to a dull roar, probably thanks in large part to the JVP's preoccupation with

upcoming local elections on March 30. As we've noted before, however, the real hard work lies ahead, and we question whether the GSL--with its glib dismissal of the March 4 attack as beyond its purview--fully appreciates the enormity of the challenge it faces. Similar attacks, regardless of where they may occur, will not bolster GSL credibility with the Tamil community or build the case that it is faithfully abiding by its commitments in the joint statement. Moreover, the GSL seems to have no strategy for moving beyond the ground covered in the first talks to issues of greater "substance," as the Foreign Minister said, in April. While we understand the GSL stipulation that future concessions depend on Tiger behavior, that need not stop the GSL from thinking now of what it might be prepared to put on the table in April.

¶13. (C) Comment (cont.): One more key element is the willingness of the Sri Lankan military to proactively prevent incidents, instead of just saying "We didn't do it." Ministers such as Samaraweera and de Silva have no direct control in this area; only the President, as Commander-in-Chief, and his brother, as Defense Secretary, do. Defense Secretary Gotabhaya Rajapaksa is out of Sri Lanka this week. Ambassador will try to see him next week to impress upon him the need for the GSL to fulfill its Geneva commitments.
LUNSTEAD